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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of decision: 30th May, 2023*

+ **W.P.(C) 7714/2023**

RAJVIR SINGH

..... Petitioner

Through: Mr. Ankur Chhibber, Mr.
Pranjal Marwah, Mr.
Anshuman Meherotra & Mr.
Nikunj Arora, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms. Garima Sachdeva, Sr.
Panel Counsel & Ms. Theepa
Murugesan, Govt. Pleader for
UOI.
Mr. Rajesh Kumar Singh,
Legal Officer, RAF.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

CM APPL. 29809/2023 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 7714/2023

1. *Vide* the present petition, the petitioner is seeking following relief:

“a.) Issue Writ of Mandamus to direct the Respondents to grant Permission/No Objection Certificate/Vigilance Certificate to the Petitioner for attending the International Wushu Judges



Training and Certification Course, 2023, in Bali, Indonesia, commencing from 31.05.2023 to 06.06.2023.”

2. Ms. Garima Sachdeva, Senior Panel Counsel for the respondents appearing on advance notice, concedes to this effect that the Preliminary Enquiry has been initiated against the petitioner on 29.05.2023, however, the same has not been concluded.

3. The Office Memorandum dated 28.09.2022 lays down the consolidated guidelines regarding grant of ‘Vigilance Clearance’ to AIS Officers and Central Services/Central Civil Posts, and Paragraph-2(ii) of the same provides as under: -

“2. Part A-Grant of Vigilance Clearance to AIS

(ii) The circumstances under which vigilance clearance shall not be withheld shall be as under:

a. Vigilance clearance shall not be withheld due to the filing of a complaint, unless it is established on the basis of at least a preliminary inquiry or on the basis of any information that the concerned Government may already have in its possession, that there is, prima facie, substance to verifiable allegations regarding (i) Corruption (ii) Possession of assets disproportionate to known sources of income (iii) Moral turpitude (iv) violation of AIS Conduct Rules.

b. Vigilance clearance shall not be withheld if a preliminary inquiry mentioned in 2(ii)(a) above takes more than three months to be completed.

c. Vigilance clearance shall not be withheld unless (i) the officer is under suspension (ii) the officer is on the Agreed List, provided that in all such cases the position shall be mandatorily revisited after a period of one year (iii) a chargesheet has been issued against the officer in a disciplinary proceeding and the proceeding is pending (iv) orders for instituting disciplinary proceeding against



the officer have been issued by the Disciplinary Authority, provided that the chargesheet is served within three months from the date of passing such order (v) chargesheet has been filed in a Court by the Investigating Agency in a criminal case and the case is pending (vi) orders for instituting a criminal case against the officer have been issued by the Disciplinary Authority, provided that the chargesheet is served within three months from the date of initiating proceedings (vii) sanction for investigation or prosecution has been granted by the Competent Authority in a case under the PC Act or any other criminal matter (viii) an FIR has been filed or a case registered by the concerned Government against the officer, provided that the chargesheet is served within three months from the date of filing/registering the FIR/case (ix) the officer is involved in a trap/raid case on charges of corruption and investigation is pending.

d. Vigilance clearance shall not be withheld due to an FIR filed on the basis of a private complaint unless a chargesheet has been filed by the investigating agency, provided that there are no directions to the contrary by a competent court of law.

e. Vigilance clearance shall not be withheld even after sanction for prosecution if the investigating agency has not been able to complete its investigations and file charges even after a period of two years. However, such vigilance clearance will entitle the officer to be considered only to be appointed to non-sensitive posts and premature repatriation to the cadre and not for any other dispensation listed in Para 2(i) above.

f. Vigilance clearance shall be denied to an officer if he fails to submit his annual Immovable Property Return of the previous year latest by 31st January of the following year, as required under Government of India decisions under Rule 16 of the All India Services (Conduct) Rule, 1968.”



4. It is not in dispute that the Preliminary Enquiry has not been completed, and there is no *prima facie* view against the petitioner regarding allegations against him as mentioned in Office Memorandum dated 28.09.2022.

5. In the year 2016, the petitioner attended his fourth International Wushu Judges Examination at Wudang Shan, China and for this Course, the petitioner was awarded by 'A Grade' Certification for his excellent performance by the International Wushu Federation. Though, said Licence/'A' Grade Certificate was issued in the year 2016 to the petitioner, but the same had the validity till December, 2020. Thereafter, the petitioner moved an application in the month of November, 2020 for the renewal of the said licence, but due to COVID-19 Pandemic, the Licence of the petitioner could not be renewed as no Wushu Judges Training Course and Certification was conducted by the International Wushu Federation during that extraordinary times.

6. It is pertinent to mention that No Objection Certificate/Vigilance Certificate has not yet been issued by the respondents to the petitioner till date. Now, the International Wushu Judges Training and Certification Course 2023 is going to be held at Bali, Indonesia from 31.05.2023 to 06.06.2023 (07 days), and in view of no allegation, whatsoever, has been established against the petitioner, we, in the interest of justice, hereby dispose of the present petition directing the respondents to issue "No Objection Certificate/Vigilance Certificate" to the petitioner by 05:00 P.M. today itself, so that the petitioner may attend the aforesaid event which is going to be held at Bali, Indonesia w.e.f. 31.05.2023.

7. It is also made clear that the petitioner shall return to India on or



before 10.06.2023.

8. Accordingly, the present petition is disposed of.
9. Order *dasti* under the signature of Court Master.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

MAY 30, 2023
S.Sharma

